

Notice of Allowability

Application No.

09/783,505

Examiner

Jingge Wu

Applicant(s)

CHEN ET AL.

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed on 6/22/2004.
2. ☒ The allowed claim(s) is/are 18-26,29-34,39,41-44,46,48 and 55-62.
3. ☒ The drawings filed on 13 February 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

JINGGE WU
PRIMARY EXAMINER

Reasons for Allowance

Applicants' response to the last Office Action, filed June 22, 2004 has been entered and made of record.

The following is an examiner's statement of reasons for allowance:

Independent claims 30, 48, and 55 are allowable over the prior art of record. Claims 18-26, 29, and 31-34, 39, 41-44, 46, and 56-62 depend from claim 30, 48, and 55 respectively, therefore, are allowed.

Independent claim 30 recites the limitations of :a pixel identifier that is trained to colors associated with red-eye to identify red-eye pixels; a filter to receive an indication of the groups of pixels from the pixel grouper and to identify, based on a set of rules, which the groups are to be output of the eye confirmation module as detected regions. The combination of these features as cited in the claims in combination with the other limitations of the claims, are neither disclosed nor suggested by the prior art of record.

Independent claims 48 and 55 recite the limitations of :checking whether flash was used in capturing the image, wherein checking a flash used flag is set in a header corresponding to the image; performing the searching , combining, and classifying only if flash was used in capturing the image. The combination of these features as cited in the claims in combination with the other limitations of the claims, are neither disclosed nor suggested by the prior art of record.

The closest reference of Japanese patent 09-261580 to Hiromichi disclose region detection, pixel identification, pixel grouper, and eye confirmation. The another closest

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reference of US 6252574 to Schildkraut et al. discloses searching a set of areas combining the candidate pixels and classifying red-eye pixels. However, they do not teach the limitations of cited above.

In view of the amended claims and the Applicant's arguments, the rejections and objection to claims 18-26, 29-34, 39, 41-44, 46, and 48 are expressly withdrawn.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Contact Information

Any inquiry concerning this communication or earlier communications should be directed to Jingge Wu whose telephone number is (703) 308-9588. He can normally be reached Monday through Thursday from 8:00 am to 4:30 pm. The examiner can be also reached on second alternate Fridays.

Any inquiry of a general nature or relating to the status of this application should be directed to TC customer service whose telephone number is (703) 306-0377.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Amelia Au, can be reached at (703) 308-6604.

The Working Group Fax number is (703) 872-9314.

Jingge Wu

Primary Patent Examiner

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